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KNOBBE MARTENS OLSON & BEAR LLP			EXAMINER	
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IRVINE, CA 92614			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re Application of	:	DECISION ON REQUEST TO
Tsuyoshi KITAZAKI, <i>et. al.</i>	:	PARTICIPATE IN PATENT
Application No. 10594207	:	PROSECUTION HIGHWAY
Filed: September 21, 2006	:	PILOT PROGRAM AND PETITION
Attorney Docket No. ION2.006APC	:	TO MAKE SPECIAL UNDER
For: TIRE DEFORMATION CALCULATING	:	37 CFR 1.102(d)
METHOD & TIRE DEFORMATION		
CALCULATING APPARATUS		

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed August 24, 2007, to make the above-identified application special.

The request and petition are **DISMISSED**.

DISCUSSION

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

Conditions (1), (4), (6) and (7) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails to meet conditions (2), (3) and (5) above.

Regarding the requirement of condition (2), Petitioner has submitted a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof, however, no statement that the English translation is accurate has been received.

Regarding the requirement of condition (5), Petitioner has submitted a copy of all the office action(s) from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof, however, no statement that the English translation is accurate has been received.

Regarding the requirement of condition (3), Petitioner has not amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application. Claims will be considered to sufficiently correspond where, accounting for differences due to translations and claim format requirement, the claims are of the same or similar scope. In the instant application: Claim 9 has no corresponding allowed/patentable claim in the Japanese application.

Claims 4, 5 and 6 are dependent upon claim 3. These claims have no corresponding allowed/patentable claim in the Japanese application, since claim 3 in the instant application includes limitations of both claims 3 and 7 in the JPO application.

Furthermore, Petitioner has not amended the U.S. claims to sufficiently correspond to the allowable/patentable claims in the JPO application. For example, claim 1 in the instant application does not include the limitations of "the measurement data of acceleration acquired by an acceleration sensor attached to a predetermined portion of the tire" and deriving time series "by removing a background component of the acquired measurement data of acceleration", also, the work "deriving" was changed to "extracting", recited in claim 1 of the JPO application. Similarly, claim 15 in the instant application does not include all the limitations recited in the corresponding JPO claim 16. With respect to claim 3, the second approximation curve is defined on the third and fourth regions, while the JP claim 7 recites first and second regions. With respect to claim 8, which corresponds to JP claim 9, "weighting coefficient" is plural in the JP claim 9.

A proper response in this case must: (1) include a statement that the English translation is accurate for the claims, (2) a statement that the English translation is accurate for the office action(s) from the JPO application(s) containing the allowed/patented claims, and (3) an amendment to the claims of the U.S. application in order to sufficiently correspond to the allowable/patentable claim in the JPO application. Petitioner is advised that in amending the claims of the instant application, that the claims in the US case must be of the same or similar scope to the allowed Japanese claims, including dependent as well as independent claims. Claim 9 has no corresponding JP claim and must be canceled.

CONCLUSION

For the above reasons, the "Request for Participation in the Patent Prosecution Highway (PPH) Pilot Program Between the JPO and the USPTO" filed August 24, 2007 is **DISMISSED** without prejudice.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be faxed to Christine Oda at 571-273-1602.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/C. Oda/
Christine Oda
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